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LEIGH P. GREGORY
ATTORNEY AT LAW
PO BOX 168
CLEMSON, SC 29633-0168

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OFFICE OF PETITIONS

In re Application of Shalaby	:	
Application No. 10/630,211	:	Decision on Petition
Filing Date: July 30, 2003	:	
Attorney Docket No. SHA-26-DIV1	:	

This is a decision on the petition under 37 CFR 1.181, filed January 18, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

The above-identified application was deemed abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed March 2, 2005, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application was considered abandoned as of midnight on April 3, 2005. A Notice of Abandonment was mailed November 18, 2005.

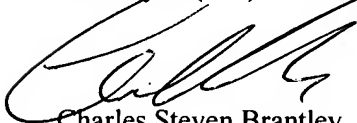
Petitioner contends a reply was timely filed by facsimile transmission on March 10, 2005. In support, petitioner has submitted a copy of an "Auto Reply Facsimile Transmission" for the Office indicating 8 sheets of facsimile transmission were received on March 10, 2005. Although the Auto Reply includes a copy of the first page of the transmission, it does not confirm that all 8 pages were intended for the instant application.

Based on the specific facts in the petition, the Office is granting the petition. However, petitioner should note similar facts may not produce similar results in the future. The Office strongly suggests petitioner use Certificate of Transmission practice (37 CFR 1.8) when sending future facsimile transmissions.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 1711 will be informed of the instant decision and the examiner will further consider the merits of the application in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions